

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22568 OF 2007

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DATED: 25-10-2007

Between:

Dr A.M.S. Fazlullah

.. Petitioner

and

The State of A.P. rep. by the Secretary to
Higher Education, Govt. of A.P.,
Secretariat Buildings, Hyderabad and
others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22568 OF 2007

ORDER:

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_____ This writ petition is filed seeking a Mandamus directing the respondents to forbear from enforcing the impugned proceedings in Rc.No.583/Admn.IV-1/2006, dated 19.09.2007, of the Commissioner of Collegiate Education, A.P., by setting aside the same as illegal, and to continue the petitioner as Lecturer in Urdu in the 3rd respondent college with all consequential benefits.

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_____ This case has got a checkered history.

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_____ It appears, pursuant to a notification issued by the 3rd respondent college, one Syed Baba Moinuddin Quadri was selected for appointment to the post of Lecturer in Urdu in the 3rd respondent college, ignoring the petitioner. However, on reconsideration of the matter by the Director of Collegiate Education, the petitioner was selected to the said post and the services of the said Quadri were terminated. Aggrieved by the same, the said Quadri approached this Court and the matter is pending consideration. In the meanwhile, it appears, a detailed enquiry was conducted into the allegation that the petitioner submitted some false experience certificate, basing on which he was selected as Lecturer in Urdu, and in the said enquiry the

allegation was proved and thereby the impugned proceedings, dated 19.9.2007, were issued terminating the services of the petitioner.

The learned counsel for the petitioner strenuously contended that no enquiry as per law was conducted by the respondents and what was conducted is only a farce of an enquiry conducted in one day asking the petitioner to fill up certain questionnaire, which cannot be called as an enquiry. Therefore, the impugned order is in gross violation of principles of natural justice.

- There is no necessity of going into all the details.

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It is stated that aggrieved by the impugned proceedings, dated 19.09.2007, the petitioner has already filed a statutory appeal before the 1st respondent and the same is pending. It is also stated that along with the said appeal, an interlocutory application was also filed seeking stay of the impugned proceedings, but the same was not taken up for consideration and no orders were passed as of now.

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Under these circumstances, without expressing any opinion on merits, the 1st respondent is directed to dispose of the interlocutory application filed by the petitioner along with the appeal seeking stay of the impugned proceedings, within a period of one week from the date of receipt of a copy of this order, and pass appropriate orders, after hearing the petitioner.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V. RAMULU, J

25th October, 2007.

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